THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO. 10337 OF 2006

Date: 25.05.2006

Between:

Sabhavat Krishna & others

…. Petitioners

and

The District Collector, Visakhapatnam

& others.

… Respondents.

O R D E R:

The grievance of the petitioners is that the respondents are trying to demolish their property for the purpose of widening of the road, without following due process of law.

In view of the ratio laid down in *Pilli Lakshmana Rao and others v. Executive Officer, Gram Panchayat* and *M/s Ushodaya Publications v. The Commissioner, Municipal Corporation of Hyderabad*, the respondents can either take possession or demolish the property for the purpose of widening of the road, only after following the procedure prescribed under Section 147 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') i.e. by acquiring the land as per the provisions of the Land Acquisition Act, 1894.

Therefore, the writ petition is disposed of, with a direction to the respondents to take recourse to the provisions of the Act, before taking possession of or demolishing the structures belonging to the petitioners. There shall be no order as to costs.

25.05.2006

Note:

Issue CC in three days.

(BO)

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